

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JHEN SCUTELLA,**

**Plaintiff,**

**v.**

**TRINITY FOOD SERVICES, et al,**

**Defendants.**

**Case No. 1:23-CV-320**

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on November 15, 2023. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff, a former inmate acting pro se, brings legal claims arising out of his incarceration at Erie County Prison against multiple Defendants. Defendants are represented separately.

On November 12, 2024, Judge Lanzillo issued a Report and Recommendation recommending that the motion to dismiss of Defendant Deputy Warden Bryant be granted and that the claims against him be dismissed. ECF No. 61. As of today's date, Plaintiff has filed no objections to the Report and Recommendation.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866

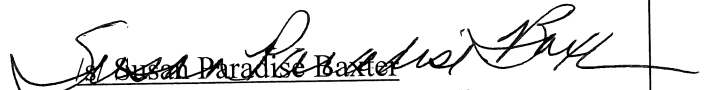
F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8th day of January 2025;

IT IS ORDERED that Defendant Bryant's motion to dismiss [ECF No. 16] be granted and all claims against him be dismissed. The Clerk should terminate Defendant Bryant from the docket.

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on November 12, 2024 [ECF No. 61] is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge